IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6782 of 2007()

CRIME NO.424/07 OF THRISSUR (WEST) POLICE STATION

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PETITIONER/ACCUSED

PRAVEEN KUMAR, S/O.NARAYANAN UNNI,
AGED 29 YEARS, PATTATH ILLAM,
KANATTUKARA P.O., THRISSUR.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: (DEFACTOCOMPLAINANT AND STATE)

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1. THE SUB INSPECTOR OF POLICE,
WEST POLICE STATION,
THRISSUR.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, HIGH COURT
BUILDINGS, HIGH COURT ROAD, ERNAKULAM,
COCHIN - 682 031.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6782 OF 2007

Dated this the 7th day of November, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations of matrimonial cruelty of the culpable variety punishable under Sec.498A of the IPC. The marriage took place only on 10/2/07. It is submitted that it was after 8 years of love and courtship that the spouses got married. Not long later, we find them before the matrimonial court. There is acrimony in the marriage. The de facto complainant has filed a complaint before the police. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The father-in-law of the petitioner is not happy with the marriage. He is creating

unnecessary problems for the spouses. The petitioner may, in these circumstances, be granted anticipatory bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that there is no physical injury corresponding to the allegation of physical assault inflicted on the de facto complainant. Subject to appropriate conditions, the petitioner can be granted anticipatory bail, concedes the learned Public Prosecutor. I am satisfied, in the facts and circumstances of this case, that the petitioner can be granted anticipatory bail. Appropriate conditions can, of course, be imposed.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 14/11/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 15/11/07 and 16/11/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period

of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 14/11/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 14/11/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge